HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION NO. 16912 OF 2006

BETWEEN

M/s Intercontinental Stonex, Chennai

.....

Petitioner

And

Kakatiya Urban Development Authority,
Warangal.

.....Respondent

::O R D E R ::

Counsel for the Petitioner : Shri M. Govind Reddy

Counsel for the Respondent : Shri C. Narener

Dated: 17.08.2006

Per G.S. SINGHVI, CJ

This is a petition by M/s Intercontinental Stonex for

quashing notice Rc.No.C2/1265/97/995 dated -07-2006 issued by Vice-Chairman of Kakatiya Urban Development Authority under Sections 42 and 43 of the Andhra Pradesh Urban Areas (Development) Act, 1975 (for short 'the 1975 Act') requiring M/s Continental Stones to submit an application along with fee of Rs.12,00,000/- within seven days with a stipulation that if the noticee fails to deposit the amount, action under Sections 42 and 43 of the 1975 Act will be taken without fresh notice.

At the hearing, we repeatedly asked learned counsel for the petitioner to show as to how his client can question the legality of notice issued to M/s Continental Stones, which is said to be operating stone crusher on the basis of lease granted by Assistant Director of Mines and Geology, Warangal vide proceedings No.3296/Q/2004 dated 23.04.2005. In reply, learned counsel submitted that his client is entitled to challenge the impugned notice issued in the name of M/s Continental Stones because the parties have agreed for transfer of lease in favour of the petitioner and approval of the competent authority is awaited. Learned counsel submitted that even though the transfer has not been approved so far by Mines and Geology Department, the petitioner will be deemed to have sufficient interest in the matter and, therefore, it is entitled to question the notice issued to M/s Continental Stones.

We have considered the submissions of the learned counsel, but have not felt impressed. M/s Continental Stones is a juridical personality to which lease was granted by the competent authority in accordance with the provisions of Andhra Pradesh Minor Mineral Concession Rules, 1966. The said lease is not shown to have been terminated or legally transferred in favour of

any person including the petitioner. Therefore, the mere fact that the petitioner has entered into some agreement with M/s Continental Stones and has applied to Mines and Geology Department for transfer of lease cannot clothe it with the locus to question the notice issued by Kakatiya Urban Development Authority under Sections 42 and 43 of the 1975 Act.

With the above observations, the writ petition is dismissed.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

17.08.2006
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